

## § 554.8

## 49 CFR Ch. V (10–1–15 Edition)

### § 554.8 Monthly reports.

(a) *Compliance.* A monthly compliance report is issued which lists investigations opened, closed, and pending during that month, identifies compliance test reports accepted, and indicates how individual reports may be obtained.

(b) *Defects.* A monthly defects report is issued which lists investigations opened, closed, pending, and suspended during that month. An investigation may be designated “suspended” where the information available is insufficient to warrant further investigation. Suspended cases are automatically closed 60 days after appearing in a monthly report unless new information is received which justifies a different disposition.

### § 554.9 Availability of files.

All files of closed or suspended investigations are available for public inspection in the NHTSA Technical Reference Library. Communications between the agency and a manufacturer with respect to ongoing investigations are also available. Such files and communications may contain material which is considered confidential but has been determined to be necessary to the subject proceeding. Material which is considered confidential but has not been determined to be necessary to the subject proceeding will not be disclosed. Reproduction of entire public files or of individual documents can be arranged.

### § 554.10 Initial determinations and public meetings.

(a) An initial decision of failure to comply with safety standards or of a safety-related defect is made by the Administrator or his delegate based on the completed investigative file compiled by the appropriate office.

(b) The decision is communicated to the manufacturer in a letter which makes available all information on which the decision is based. The letter advises the manufacturer of his right to present information, views, and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety. The letter also specifies the time and place of a public meeting

for the presentation of arguments or sets a date by which written comments must be submitted. Submission of all information, whether at a public meeting or in written form, is normally scheduled about 30 days after the initial decision. The deadline for submission of information can be extended for good cause shown.

(c) Public notice of an initial decision is made in a FEDERAL REGISTER notice that—

(1) Identifies the motor vehicle or item of equipment and its manufacturer;

(2) Summarizes the information on which the decision is based.

(3) Gives the location of all information available for public examination; and

(4) States the time and place of a public meeting or the deadline for written submission in which the manufacturer and interested persons may present information, views, and arguments respecting the decision.

(d) A transcript of the public meeting is kept and exhibits may be offered. There is no cross-examination of witnesses.

[45 FR 10797, Feb. 19, 1980, as amended at 60 FR 17267, Apr. 5, 1995]

### § 554.11 Final decisions.

(a) The Administrator bases his final decision on the completed investigative file and on information, views, and arguments submitted at the public meeting.

(b) If the Administrator decides that a failure to comply or a safety-related defect exists, he orders the manufacturer to furnish the notification specified in 49 U.S.C. 30118 and 30119 and to remedy the defect or failure to comply.

(c) If the Administrator closes an investigation following an initial determination, without making a final determination that a failure to comply or a safety-related defect exists, he or she will so notify the manufacturer and publish a notice of that closing in the FEDERAL REGISTER.

(d) A statement of the Administrator's final decision and the reasons for it appears in each completed public file.

[60 FR 17268, Apr. 5, 1995]

**PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY AND BUMPER STANDARDS**

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AUTHORITY: 49 U.S.C. 30113, 32502, Pub. L. 105-277; delegation of authority at 49 CFR 1.50.

SOURCE: 38 FR 2694, Jan. 29, 1973, unless otherwise noted.

**Subpart A—General**

**§ 555.1 Scope.**

This part establishes requirements for the temporary exemption by the National Highway Traffic Safety Administration (NHTSA) of certain motor vehicles from compliance with one or more Federal motor vehicle safety standards in accordance with 49 U.S.C. 30113, and of certain passenger motor vehicles from compliance with all or part of a Federal bumper standard in accordance with 49 U.S.C. 32502.

[64 FR 2861, Jan. 19, 1999]

**§ 555.2 Purpose.**

(a) The purpose of this part is to provide a means by which manufacturers of motor vehicles may obtain temporary exemptions from Federal motor vehicle safety standards on the basis of substantial economic hardship, facilitation of the development of new

motor vehicle safety or low-emission engine features, or existence of an equivalent overall level of motor vehicle safety.

(b) The purpose of this part is also to provide a means by which manufacturers of passenger motor vehicles may obtain a temporary exemption from compliance with all or part of a Federal bumper standard issued under part 581 of this chapter on a basis similar to that provided for exemptions from the Federal motor vehicle safety standards.

[38 FR 2694, Jan. 29, 1973, as amended at 64 FR 2861, Jan. 19, 1999]

**§ 555.3 Application.**

This part applies to manufacturers of motor vehicles and passenger motor vehicles.

[64 FR 2861, Jan. 19, 1999]

**§ 555.4 Definitions.**

*Administrator* means the National Highway Traffic Safety Administrator or his delegate.

*Passenger motor vehicle* means a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include a truck not designed primarily to carry its operator or passengers, or a motorcycle.

*United States* means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

[38 FR 2694, Jan. 29, 1973, as amended at 64 FR 2861, Jan. 19, 1999]

**§ 555.5 Application for exemption.**

(a) A manufacturer of motor vehicles or passenger motor vehicles may apply to NHTSA for a temporary exemption from any Federal motor vehicle safety or bumper standard or for a renewal of any exemption on the bases of substantial economic hardship, making easier the development or field evaluation of new motor vehicle safety or impact protection, or low-emission vehicle features, or that compliance with a standard would prevent it from selling a vehicle with an overall level of safety or impact protection at least equal to that of nonexempted vehicles.